

REMARKS

In response to the above-identified Office Action, Applicants amend the application and seek reconsideration thereof. In this response, Applicants amend claim 1, cancel claims 4-8, and add new claims 9-14. Accordingly, claims 1-3, and 9-14 are pending.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attachment is captioned "Version With Markings To Show Changes Made."

The Applicants would like to thank the Examiner for her courtesy during a phone interview with the Applicants' representative on June 5, 2002.

In the Office Action mailed March 13, 2002, the Examiner issued a Restriction Requirement under 35 U.S.C. §121. The restriction was to Group I of claims 1-3 drawn to an active material for a battery, and Group II of claims 4-8 drawn to a method of preparing an active material for a battery. On February 23, 2002, Applicants made a provisional election without traverse to prosecute the invention of Group I, claims 1-3. Applicants hereby affirm this provisional election without traverse. Applicants hereby cancel claims 4-8.

In the Office Action mailed March 13, 2002, the Examiner rejected claims 1-3 under 35 U.S.C. §103 (a) as being unpatentable over Miyasaka (U.S. Patent No. 6,037,095) (Miyasaka) in view of Kirino et al. (Japanese Patent No. 61007577 A) (Kirino). To the extent that this rejection applies to the amended claims, the Applicants respectfully traverse the rejection.

As the Examiner noted, Miyasaka does not teach a surface of the positive active material coated with a metal oxide. In addition, Applicants respectfully submit that

Miyasaka does not disclose a positive active material compound of the formula  $\text{Li}_a\text{Ni}_{1-x-y}\text{Co}_x\text{M}_y\text{O}_2$ , as required by Applicants' claim 1.

Regarding claim 2, Applicants respectfully submit that there is no motivation or suggestion to combine Miyasaka with Kirino to achieve a positive active material surface coated with a specific metal oxide as recited in Applicants' claim 2. In addition, Applicants respectfully submit that dependent claim 2 is allowable for at least the same reasons as allowable independent claim 1 discussed above.

In addition, in the Office Action mailed March 13, 2002, the Examiner stated that, "regarding the layer of thickness of limitation of claim 3, one of skill would be motivated to optimize the thickness of the metal oxide layer in order to improve battery capacity." (Office Action mailed March 13, 2002, page 5). Applicants respectfully submit that dependent claim 3 is allowable for at least the same reasons as allowable independent claim 1 discussed above.



### CONCLUSION

In view of the foregoing, it is believed that all claims now pending are in proper form and are neither obvious nor anticipated by the relied-upon art of record and are in condition for allowance. A Notice of Allowance is earnestly solicited at the earliest possible date.

Respectfully submitted,

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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**IN THE CLAIMS**

Claim 1 has been amended as follows:

1. (Amended) A positive active material for a lithium secondary battery of which the surface is coated with a metal oxide, wherein the positive active material compound is selected from the group consisting of ~~comprises~~  $\text{Li}_a\text{Ni}_{1-x-y}\text{Co}_x\text{M}_y\text{O}_2$ ,  $\text{Li}_a\text{Ni}_{1-x-y}\text{Co}_x\text{M}_y\text{O}_{2-z}\text{F}_z$ , and  $\text{Li}_a\text{Ni}_{1-x-y}\text{Co}_x\text{M}_y\text{O}_{2-z}\text{S}_z$ , and M is a metal selected from the group consisting of Al, Mg, Sr, La, Ce, V, and Ti, and  $0 \leq x < 0.99$ ,  $0.01 \leq y \leq 0.1$ ,  $0.01 \leq z \leq 0.1$ , and  $1.00 \leq a \leq 1.1$ .

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